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July 15, 2020

The Honorable Judge John G. Koeltl
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: 1:19-cv-07189-JGK, Malibu Media, LLC v. Yi-Ting Chen, Subscriber ID 98.116.191.111-Plaintiff's Sixth Motion to Extend the Deadline to File Joint Discovery/Case Management Plan and Request for Adjournment of the Initial Pretrial Conference Set for July 24, 2020 at 10:00 a.m.

Dear Judge Koeltl:

Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to file a Joint Discovery/Case Management Plan currently set for July 17, 2020 and adjourn the Initial Pretrial Conference on July 24, 2020, and states:

1. Plaintiff filed a complaint against the Internet subscriber assigned IP address 98.116.191.111 ("Defendant") alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works. *See* CM/ECF 1.

2. Since Defendant was only known to Plaintiff by Defendant's IP address, in order to obtain Defendant's true identity, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena on the Defendant's Internet Service Provider seeking Defendant's identity [CM/ECF 6].

3. On September 3, 2019, Plaintiff was granted leave to serve a third-party subpoena

on Defendant's ISP, Verizon to obtain the Defendant's identifying information [CM/ECF 7]. Plaintiff issued the Subpoena September 8, 2019 and received the ISP's response on or about November 18, 2019.

4. After an initial investigation, Plaintiff filed its Amended Complaint to name the Defendant [CM/ECF 14] and requested that the Clerk issue a summons.

5. On or about December 19, 2019, Plaintiff sent the Summons and Amended Complaint to its process server. Defendant was served on June 25, 2020 [CM/ECF 35] and his Answer is due on July 16, 2020.

6. Pursuant to the Court's Order, the Initial Pretrial Conference is set for July 24, 2020, therefore, the parties are due to meet, prepare, and file a proposed Joint Discovery/Case Management Plan by July 17, 2020. However, because Defendant has not filed his reply to Plaintiff's Amended Complaint, initial disclosures or has been able to discuss discovery deadlines with Defendant, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference and an extension of the pretrial deadlines until after Defendant has been able to respond to Plaintiff's complaint.

7. This extension will allow Defendant to retain an attorney, file his response and thereafter for the parties to serve its initial disclosures and confer regarding discovery deadlines.

8. This motion is made in good faith and not for the purpose of undue delay.

9. The parties will not be prejudiced by the granting of this extension.

10. This is the fifth request for an adjournment.

WHEREFORE, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference set for July 24, 2020 and an extension of the deadline to file the Joint Discovery/ Case Management Plan.

Respectfully Submitted,

By: /s/ Kevin T. Conway
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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway
Kevin T. Conway, Esq.

The Rule 26(f) report is due August 21, 2020. The pre-trial conference is adjourned to September 16, 2020 at 4:30 PM.
SO ORDERED.

New York, NY
July 16, 2020

/s/ John G. Koeltl
John G. Koeltl, U.S.D.J.